REMARKS/ARGUMENTS

Claims 1-35 are currently pending in this application. By this paper, Claims 1-30 have been amended, without prejudice, and solely to expedite prosecution pursuant to the U.S. Patent and Trademark Office Business Goals (65 Fed. Reg. 54604 (September 8, 2000)). No new matter has been introduced by these amendments. Support for the amended recitations can be found throughout the specification. These amendments presented herein are made for clarity and to round out the scope of protection to which Applicants are entitled.

Lack of Unity of Invention

The Office Action of August 9, 2007 has required restriction from among the following Groups under 35 U.S.C. §§121 and 372:

Group I, corresponding to Claims 1-30, allegedly drawn to methods for determination of the identity of at least one nucleotide in a RNA molecule;

Group II, corresponding to Claims 31, 32, and 35, allegedly drawn to methods for determining the sequence of a ribonucleic acid molecule;

Group III, corresponding to Claims 33 and 34, allegedly drawn to methods for determining the sequence of a ribonucleic acid molecule.

The Office Action states that the inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. According to the Office Action, the common element allegedly shared by independent claims 1 and 33 is the concept of determining the identity of at least one nucleotide in a RNA molecule, however the method of claim 1 is allegedly anticipated by Zimmern et al (Proc. Natl. Acad. Sci. 75(9): 4257-4261; hereinafter "Zimmern"), and therefore, Claim 1 allegedly lacks unity of invention with independent claims 31, 33, and 35.

The Office Action further contends that the kit of claim 31 is allegedly obvious over Zimmern in view of the 1988 Stratagene catalog, which allegedly teaches the benefits of

combining reagents for gene characterization, including sequencing, into a kit and therefore allegedly lacks unity of invention with independent claims 1, 33, and 35.

The Office Action argues that the kit of claim 35 is allegedly anticipated by the Atlas™ Glass Fluorescent Labeling Kit User Manual, published on May 7, 2001, which allegedly teaches a kit comprising, in separate compartments, a mixture of natural nucleotides and a derivative of said nucleotides and at least an RNA dependent polymerase. For this reason, the Office Action contends that claim 35 lacks unity of invention with independent claims 1, 31, and 33.

Applicants hereby elect Group I, corresponding to Claims 1-30, without traverse, for further prosecution on the merits. Applicants assert the right to reclaim withdrawn subject matter in co-pending applications.

Applicants also wish to address the Examiner's remarks at page 2 of the Office Action, where it is stated that the method of claim 1 is allegedly anticipated by Zimmern. According to the Office Action, Zimmern allegedly teaches a method comprising all the steps of claim 1. Applicants respectfully disagree. Zimmern describes a method of synthesizing RNA using reverse transcriptase derived from avian myeloblastosis virus and is silent regarding whether the reverse transcriptase used in his experiments lack RNase H activity, which is clearly recited in instant Claim 1 as presented herein and as originally filed. Thus, Zimmern fails to teach each and every element of the instant claims. As such, Zimmern fails to satisfy the requirements for an anticipation rejection under the provisions of §102.

Election of Species

The Office Action also alleges that the application contains claims directed to more than one species of the generic invention. According to the Office Action, these species are deemed to lack unity of invention because they allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are set forth as follows:

(A1) detection by means of PPi release, corresponding to Claims 1-8 and 12-32);

(A2) detection by means of labeled nucleotide, corresponding to Claims 1-6, 9, 10, 12-21, 23, and 25-35;

(A3) detection by means of change in physical properties of the RNA molecule, corresponding to Claims 1-6, 11-21, 23, and 25-32.

Applicants hereby elect the species of "detection by means of PPi release", without traverse, for further prosecution on the merits.

CONCLUSION

Applicants respectfully request prompt examination in the application. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Applicants believe no additional fees are due with the filing of this Response. However, if any additional fees are required or if any funds are due, the USPTO is authorized to charge or credit Deposit Account Number: **50-0311**, Customer Number: **35437**, Reference Number: **21465-523 NATL**.

Respectfully submitted,

Dated: September 25, 2007

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